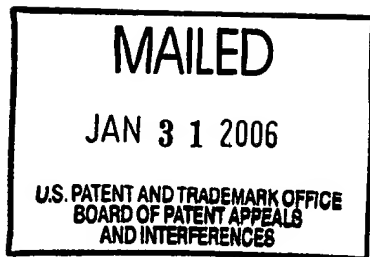


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ERROL GINSBERG,  
VALERIU COZLOVSKI, JOEL WEISSBERGER  
and  
MARK MCWHIRTER

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Application No. 09/591,080

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on November 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

On pages 2 and 3 of the Examiner's Answer mailed March 4, 2005, the examiner lists the following references under the heading "(9) Prior Art of Record";

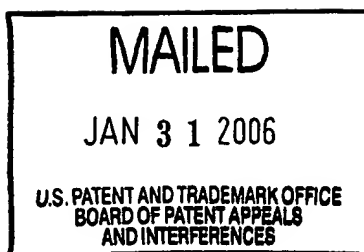
6,012,096	Link	01-2000
6,321,264	Fletcher et al.	11-2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ERROL GINSBERG,  
VALERIU COZLOVSKI, JOEL WEISSBERGER  
and  
MARK MCWHIRTER

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Application No. 09/591,080

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ORDER REMANDING TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on November 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

On pages 2 and 3 of the Examiner's Answer mailed March 4, 2005, the examiner lists the following references under the heading "(9) Prior Art of Record";

6,012,096	Link	01-2000
6,321,264	Fletcher et al.	11-2001

Application No. 09/591,080

Comer, Douglas E. "Internetworking with TCP/IP Principles, Protocols, and Architecture" volume 1, 1995.

It is noted that pages 4 and 5 of the Examiner's Answer discuss U.S. Patent Nos. 6,625,477 [sic, 6,625,447 to Rossman] and 6,621,834 [Scherpbier et al.], and page 8 discusses U.S. Patent Nos. 6,141,705 [Anand et al. ('705)], 6,370,599 (Anand et al. ('599)], 6,721,872 [Dunlop et al.] and 6,064,649 [Johnston], none of which are not included as "Prior Art of Record." In accordance with § 1211 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 2, May 2004); clarification is required regarding the pertinence of the Rossman, Scherpbier, Dunlop, Johnson and the two Anand references, and whether a new ground of rejection is being applied. In addition, MPEP § 1208(A)(9) states:

(A) REQUIREMENTS FOR EXAMINER'S ANSWER.  
The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . .

(9) References of Record. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

If appropriate, compliance with MPEP § 1208(A)(9) is required in listing the Rossman, Scherpbier, Dunlop, Johnson and the two

Application No. 09/591,080

Anand references under the heading "Prior Art of Record" appearing in the Examiner's Answer mailed March 4, 2005.

Accordingly, it is

ORDERED that the application is returned to the examiner:

1. for clarification under MPEP § 1211 regarding the pertinence and possible new ground of rejection employing the Rossman, Scherpbier, Dunlop, Johnson and the two Anand references listed on pages 4, 5 and 8 of the Examiner's Answer mailed March 4, 2005;

2. if appropriate, for compliance with MPEP § 1208(A)(9) by listing the Rossman, Scherpbier, Dunlop, Johnson and the two Anand references in a Supplemental Examiner's Answer under the heading "References of Record"; and

3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

CRAIG R. FEINBERG  
Program and Resource Administrator  
(571) 272-9797

CRF:psb

cc: SoCAL IP Group LLP  
310 N. Westlake Boulevard, Suite 120  
Westlake Village, CA 91362